

STAFF REPORT

TO: Hailey Planning and Zoning Commission
FROM: Beth Robrahn, Planning Director *BR*
RE: Subdivision Ordinance Amendment – Section 4.11.2 – Inclusionary Housing
HEARING: October 6, 2008

Note: Staff analysis is in lighter type.

Notice

Notice for the public hearing was published in the Wood River Journal and mailed to public agencies and area media on September 17, 2008.

Proposal

Amendments to Section 4.11.2 of the Subdivision Ordinance are proposed by the City. These amendments would delete the inclusionary housing provision for the conversion of rental units to condominiums or townhouses. Please see the attached page for the actual proposed language.

Background

For legal reasons, the City Attorney suggests the elimination of inclusionary housing for the conversion of rental units to condominium and townhouse units.

Standards of Evaluation

Section 13.3.1.a The Commission shall consider the relationship of the proposed amendment to the Comprehensive Plan in making its recommendation to the Council.

The Commission should consider how the proposed amendments relate to the various policies and implementation items of the Comprehensive Plan, particularly the following:

5.8 Due Process and Public Input

Goal: To develop clear land use and development procedures that protect the public welfare for all development.

3. Policy: Develop and maintain land use regulatory procedures that are efficient, consistent and predictable, but that provide flexibility to deal with unique situations.

Implementation:

a. Review all Ordinances and procedures on a regular basis to ensure that the restrictive provisions found therein provide substantial benefit to the public health, safety and welfare, while respecting private property rights.

Summary

The Commission shall hold a public hearing and determine whether the proposed amendments are in accordance with the Comprehensive Plan. The Commission shall recommend, with reasons therefore, to the Council that the proposed amendment be granted or denied, or that a modified amendment is granted.

Motion Language

Motion to recommend the City Council approve the proposed amendments to Section 4.11.2, finding that the amendments are in accordance with the Comprehensive Plan.

HAILEY ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S SUBDIVISION ORDINANCE, ORDINANCE NO. 821, BY AMENDING SECTION 4.11.2, TO DELETE THE INCLUSIONARY HOUSING REQUIREMENT FOR THE CONVERSION OF RENTAL UNITS TO CONDOMINIUMS OR TOWNHOUSES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE.

WHEREAS, the proposed amendments are generally in accordance with the Comprehensive Plan;

WHEREAS, the proposed amendments will not create excessive additional requirements at public cost for public facilities and services; and

WHEREAS, the proposed amendments will be in accordance with the welfare of the general public.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, AS FOLLOWS:

Section 1. Section 4.11.2, of the Hailey Subdivision Ordinance No. 821, is hereby amended by the deletion of the stricken language and the addition of the underlined language as follows:

4.11.2 Establishment of Inclusionary Community Housing. Except as otherwise provided herein, all residential subdivisions, ~~including conversion of rental units to condominiums or townhouses,~~ new condominium and townhouse subdivisions, and amendments to plats that convert non-residential units or lots to residential units or lots, resulting in five or more lots or Dwelling Units shall provide Community Housing Units equivalent to a minimum of twenty percent (20%) of the total number of lots or Dwelling Units approved, unless alternatives are otherwise approved. If this Section results in requiring a fraction of a Community Housing Unit, a full unit shall be built or an alternative to provision of an on-site unit shall be provided in compliance with Section 4.11.5 of this ordinance.

If one of the applications described in this section is made and if a subsequent application described in this section cumulatively results in five or more lots or Dwelling Units on the Original Parcel, then the subsequent applicant shall be subject to the provisions of this ordinance and shall construct the required Community Housing Units and/or alternatives in accordance with this ordinance for all the lots or Dwelling Units on the Original Parcel.

If one of the applications described in this section is made and it is apparent that a subdivision of five or more lots may be further subdivided, any approved plat or other recordable instrument describing the entire Original Parcel shall contain a note or

provision (unless the Original Parcel is subject to a recorded restriction prohibiting future subdivision), advising future owners of all or part of the Original Parcel that a subsequent application described in this section cumulatively resulting in five or more lots or Dwelling Units will subject all or part of the Original Parcel to the requirement of providing Community Housing Units or alternatives in accordance with this ordinance.

Section 2. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 3. All City of Hailey ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

Section 4. This ordinance shall be in full force and effect from and after the required three (3) readings, approval, and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY
THE MAYOR THIS ____ DAY OF _____, 2008.

Rick Davis, Mayor, City of Hailey

Attest:

Mary Cone, City Clerk